

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EMPIRE STATE CARPENTERS WELFARE,  
PENSION, ANNUITY, APPRENTICESHIP,  
CHARITABLE TRUST, LABOR MANAGEMENT  
COOPERATION and SCHOLARSHIP FUNDS  
and their TRUSTEES, DALE STUHLMILLER,  
TODD HELFRICH, PATRICK MORIN, JOHN  
O'HARE, CHRIS FUSCO, ALAN EHL, WILLIAM  
MACCHIONE, WILLIAM BANFIELD, JAMES  
MALCOLM, STANLEY TURTENWALD, ROSS PEPE,  
ALAN SEIDMAN, LLOYD MARTIN, LARRY  
THAYER, WILLIAM WEIR, DAVID HAINES,  
FRANK WIRT, TOM BURKE, JAMES LOGAN,  
AARON HILGER, ANGELO MASSARO, JAMES  
HOLLEY and DOUG O'CONNER,

Plaintiffs,

MEMORANDUM & ORDER  
10-CV-0603(JS)(ETB)

-against-

HOLIDAY MAGIC CORP. d/b/a H.M. COMPANY,

Defendant.

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APPEARANCES:

For Plaintiff: Christopher James Schulte, Esq.  
Slevin & Hart, PC  
1625 Massachusetts Ave NW, Suite 450  
Washington, DC 20036

Owen M. Rumelt, Esq.  
Levy Ratner P.C.  
80 Eighth Avenue, 8th Floor  
New York, NY 10011-5126

For Defendant: No Appearances.

SEYBERT, District Judge:

Plaintiffs sued Defendant Holiday Magic Corporation  
("Defendant") for unpaid employee benefit contributions.  
Defendant did not appear to defend this action, and Plaintiffs

moved for a default judgment. On June 28, 2011, Magistrate Judge E. Thomas Boyle issued a Report and Recommendation (the "R&R") recommending that a default judgment be entered against Defendant and that Plaintiffs be awarded: (1) \$6,003.20 in unpaid employee benefit contributions; (2) interest through April 18, 2011 in the amount of \$578.87 plus \$0.53 per day from and including April 19, 2011 through the date of judgment; (3) audit fees in the amount of \$1,077.50; (4) liquidated damages in the amount of \$1,200.64; (5) post-judgment interest pursuant to 28 U.S.C. § 1961; (6) attorneys' fees in the amount of \$3,809.00; and (7) costs in the amount of \$569.74.

The time for objections to the R&R has passed and, having reviewed Judge Boyle's R&R, the Court finds it to be thorough, well-reasoned, and free from clear error. Accordingly, the R&R is ADOPTED in its entirety. The Clerk of the Court is directed to enter judgment against Defendant in the amount of \$13,238.95 plus \$0.53 per day from and including April 19, 2011 through the date of judgment. Plaintiffs shall also be entitled to post-judgment interest calculated pursuant to 28 U.S.C. § 1961. The Clerk is further directed to mail a copy of this Order to Defendant and to mark this case CLOSED.

SO ORDERED.

Dated: September 14, 2011  
Central Islip, New York

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.